## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OKLAHOMA

Case Number: 09-CR-043-SPF

Plaintiff, Proceeding: Jury Trial vs. Date: 10-26-2009 to 11/16/09 Lindsey Kent Springer, Oscar Amos Stilley, Defendant(s). Total Time: Hrs Min MINUTE SHEET - CRIMINAL TRIAL Stephen P. Friot, U.S. District Judge P. Lynn, Deputy Clerk/C. Tracy Washbourne, Reporter Smith Counsel for Plaintiff: Ken Snoke, Charles O'Reilly Counsel for Defendant: Pro Se (Robert Williams, Robert Burton - Stand By) Case Agent: Brian Shern Jury impaneled & admonished Appears in person: [x] Pltf. [x]Deft. [x] Parties announce ready [x] Pltf. Rule is invoked Opening Statement: [x][x]Deft [x][x]Deft. Stilley defers until close of Pltf. case (made 11/5 4:05) 01 Plaintiff presents case in chief with testimony of witnesses [x] Exhibits admitted: Pltf. Deft. Plaintiff rests 11/5 4:00 pm [x][x] [x] Motion for: Pltf. Deft. [x]Judgment of Acquittal [x]denied Defendants present case in chief with testimony of witnesses and rest 11/12 4:05 [x]Renew Motion for: Pltf. [x] Deft. Judgment of Acquittal denied П [x] [x] [x] Parties rest 11/12 4:05 [x] Closing Arguments (30/45/45/15) 11/13 11:55 Bailiff sworn Jury deliberates 11/13 12:00 Court instructs Jury [x]11/12 4:05 11/13 11:55 Jury returns: verdict 11/16 2:15 hung verdict [x]is polled is discharged [x]П Jury finds both Defendants: Guilty, as to all Cts Not Guilty, as to Ct.(s) \_\_\_\_ [x]Case referred to Probation Office for Presentence Investigation Report [x]Sentencing to be set at a later date Defendants: stand on bond as supplemented by remanded to USM  $\Pi$ court, to include electronic monitoring  $\prod$ Exhibits returned to Parties (including Govt Exh 2 and 2a, Depo of Vikki Wiggins returned to govt) Ordered that Jury lunch/dinner paid for at Government expense on: 10/29/09 - 7 jurors, 11/13 - all jurors, 11/16 - all jurors

## **Additional Minutes:**

United States of America,

10/26/09 2:00 pm James Hearing held. Witnesses heard (Brian Shern), exhibits admitted for hearing only (Govt exh 582, 675-680,690, 691,693,694,695; Deft's Exh 85). Court finds for Government re: conspiracy.

- 10/27 Rulings w/o jury on Transcript of Vikki Wiggins.; Docket Entries 210 and 219 are Overruled
- 10/28 Discussion w/o jury setting Daubert Hrg. For 5:30 p.m. on 11/3. On the record discussions in conference room in re: Juror #8.
- 10/29 Parties discuss with Court the release of records custodian, Mr. Pauk; Parties stipulate as to the records. Court releases witness and admits Exhibit
- 294. 11:40 Court orders that due to the inclement weather, that lunch be purchased for 7 jurors. Court denies Defts' Mots. Limine #s145&149 as

previously addressed in James Hearing. -10:25 Discussion outside presence of jury re: Govt's Limine motion as to admissibility of X-exam of 1979 GJ indictment which was dismissed, is denied with caveat

10/30 - - 4:10 Discussion regarding jury instructions. Parties to file objs. To instructions by 8:30 a.m. on 11/3. Supplemental trial briefs may be filed by same date.

11/2/09 - 9:00 - Court orally grants Deft Springer to have one subpoena issued for a local witness. Defendant to pay all fees associated with same. 1:15 - Juror #9 having family emergency. Conf held re: same 1:45 and jury dismissed for day. Prelim Jury Instruct Conf held 2:00-2:25. Parties to file Supplemental Request on Venue Instruction by 8:30 on 11/6/09. 2:55 - Daubert hearing held re: Brian Miller. Court rules on same.

11/3 - 5:10 - hearing held re: defendant's self-representation

11/4 - 5:00 - Ex parte hearing on Defendant Springer's proffer of evidence for direct examination. 5:10 - Defendant Springer makes proffer in open court without jury. Court rules on proffer.

11/5 - 8:15 - Instruction conference held. Ct Exhibit #1 - Gifts-Minister instruction. 9:15 - conference re: in custody witnesses and juror #8. Court enters order re: witnesses. Juror arrives and trial begins at 9:30. 4:55 - Without jury, Motions made to court. Parties have until Sunday 1:00 pm to file venue instruction

11/9 - 8:55-9:05 - Hearing on venue instruction without jury. 3:50 - 4:05 - Hearing without jury re: defendants testifying. 5:00 Hearing without jury re: questioning of Stilley. 5:20 - preliminary instruction conference. 5:35 continued instruction conference.

11/10 - 8:55 - 9:05 - Hearing on Springer's testimony without jury. 1:10 - 1:20 - Instruction conference without jury

11/16 - 2:55 - Following verdict, Springer's Motion to Reconsider (#224, joined by Stilley 232) addressed. Govt to respond by 12/11/09. Reply 10 days later.

Court Time						
	10/26	10/26	10/27	10/28	10/29	10/30
	Jury Selection	James Hrg	9:00 - 10:40	9:00 - 10:30	9:00 - 12:05	9:00 - 10:30
	9:25-11:20	2:00-3:35	10:50 - 12:25	10:50 - 12:00	1:20 - 3:00	10:50 - 11:55
	11:45-1:05	3:50-5:25	1:25 - 2:50	1:15 - 2:30	3:20 - 5:00	1:05 - 2:55
	3'15"	3'10"	3:05 - 5:00	3:00 - 5:00		3:10 - 4:30
	11/2	11/3	11/4	11/5	11/9	11/10
	9:00-10:35	9:00-10:30	9:00 - 10:30	8:15 - 8:50	8:55 - 10:40	8:55 - 10:30
	10:50-12:05	10:50-12:05	10:50 - 12:05	9:15-10:35	10:50 - 12:10	10:45 - 12:00
	1:15-1:20	1:15-3:05	1:15 - 3:10	10:50-12:15	1:15 - 3:05	1:10-1:20
	1:45-2:25	3:15-5:00	3:20 - 4:50	1:15-1:50	3:20 - 5:10	1:25 - 3:35
	3:00-4:45	5:10-5:35	5:00 - 6:50	2:00 - 3:20	5:20 - 5:25	3:50 - 5:05
	5'20"	6'45"	8'00"	3:40 - 5:20	5:35 - 5:55	6'20"
				6'55"	7'10"	
1	11/12	11/13	11/16			
	9:00 - 10:20	9:00 - 9:40	10:45 - 10:55			
	10:25 - 12:05	9:50 - 11:10	2:25 - 2:40			
	1:20 - 3:35	11:20-12:05	2:50 - 3:20			
	3:50 - 5:15	2:45 - 2:55	55"			
	5:25 - 6:10	5:40 - 5:50				
	7'25"	3'05"				